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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,801	08/04/2003	Sarah Baxter	1330.1026DD	7460

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EXAMINER

KIM, PAUL

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,801

Applicant(s)

BAXTER ET AL.

Examiner

Paul Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on August 3, 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>August 4, 2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the following: Divisional Application filed on August 3, 2003.
2. Claims 22-28 are pending. Claims 22 and 25 are independent.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

- Figure 1: Elements 30, 36, 40, and 54.
- Figure 2: Element 84.
- Figure 4A
- Figure 4B
- Figure 5: Steps S11 and S13
- Figure 7: Step S27
- Figure 8: Steps S39 and S45-S51

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 23 and 27** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Regarding **dependent claims 23 and 27**, the claims recite “content” in line 2 of the claims. It is unclear whether this recitation is the same as or different from “the content” are recited in lines 6, 9, and 10 of claims 22 and 26.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. **Claim 25** is rejected under 35 U.S.C. 101 because the claimed invention is non-functional descriptive material which lacks claimed usefulness. *See State Street Bank & Trust Co. v. Signature Financial Group, 149 F.3d 1368 (Fed. Cir. Jul. 23, 1998).*

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 22 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshioka et al (U.S. Patent No. 5,553,216, hereinafter referred to as YOSHIOKA), filed on February 24, 1994, and issued on September 3, 1996, in view of Pinard et al (U.S. Patent No. 5,940,834, hereinafter referred to as PINARD), filed on March 13, 1997, and issued on August 17, 1999.

YOSHIOKA and PINARD disclose the limitations of claim 22 for the reasons set forth below.

YOSHIOKA differs from the claimed invention in that YOSHIOKA fails to disclose a web page as being the document to be dynamically created from existing content (claim 22).

11. Regarding **independent claims 22 and 26**, YOSHIOKA, in combination with PINARD, discloses the following:

A method (also an apparatus) of dynamically creating a web page from existing content {See PINARD, col. 1, lines 52-59, wherein this reads over "automatic web page creation of an organizational directory . . . created from data stored in the directory application component of the web page generator"} comprising:

storing content of the web page in a format native to the tools used to assemble the content {See YOSHIOKA, Figure 2; and col. 5, Para. 1, wherein this reads over "[a] document converted into electronic information by an input unit is converted into structural data and body data The converted structural data and the main body data are stored in a database 14 functioning as a storage medium"};

storing a separate format component of the web page indicating how to display the web page {See YOSHIOKA, Figure 2; and col. 5, Para. 1, wherein this reads over "[a] document converted into electronic information by an input unit is converted into structural data and body data The converted structural data and the main body data are stored in a database 14 functioning as a storage medium"};

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storing a separate outline of the web page indicating a hierarchy of the content on the web page and the format component for the web page {See YOSHIOKA, Figure 4; and col. 5, Paras. 4 and 5, wherein this reads over "the hierarchical relationship between the elements of the structure definition frame 3A is converted into the form of a tree structure and stored in the database 14"}; and

when requested assembling the web page {See YOSHIOKA, Figure 7; and col. 7, Para. 3, wherein this reads over "the process for creating a table of contents of a document"}; in real time, by accessing the outline of the web page {See YOSHIOKA, Figure 7; and col. 7, Para. 3, wherein this reads over "[i]n the table-of-contents control message, labels such as <chapter> and <paragraph> in the database . . . are specified"}; retrieving the content and format component referenced in the outline {See YOSHIOKA, col. 7, Paragraph 4, wherein this reads over "the identified data is extracted"}; organizing the content based on the outline of the web page and formatting the content based on the format component {See YOSHIOKA, col. 7, Para. 5, wherein this reads over "when the labels <chapter> and <section> are specified by the table-of-contents control message . . . [chapter title], [section title] . . . are extracted as items of the table of contents"}.

The combination of inventions disclosed in YOSHIOKA and PINARD would disclose an invention which would assemble the webpage by means of accessing the outline and retrieving the content and format component referenced in the outline, and thereafter organizing and formatting the content accordingly. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above invention suggested by YOSHIOKA by combining it with the invention disclosed by PINARD.

One of ordinary skill in the art would have been motivated to do this modification so that users could edit or create content for web-use without having to edit the web page itself.

12. **Claims 23 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over YOSHIOKA and PINARD, in view of Bloem et al (U.S. Patent No. 5,564,047, wherein this reads over BLOEM), filed on April 11, 1995, and issued on October 8, 1996.

YOSHIOKA and PINARD disclose the limitations of claim 22 for the reasons set forth above.

YOSHIOKA and PINARD differ from the claimed invention in that they fail to disclose a method for storing triggers which initiate a review of content when activated (claim 23).

13. Regarding **dependent claims 23 and 27**, YOSHIOKA, in combination with PINARD and BLOEM, discloses a method and an apparatus for storing triggers which initiate a review of content when activated *{See BLOEM, col. 2, Para. 1, wherein this reads over “a repository-level trigger for automatically starting an extract process in response to the committing of update data to a repository by an update process”}*.

The combination of inventions disclosed in YOSHIOKA, PINARD, and BLOEM would disclose an invention which would store triggers which initiate a review of content when activated by an event such as an update of data. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above invention suggested by YOSHIOKA and PINARD by combining it with the invention disclosed by BLOEM.

One of ordinary skill in the art would have been motivated to do this modification so that when a certain event occurs, activating the trigger, the content management system will take the appropriate actions either manually or automatically.

14. **Claims 24 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over YOSHIOKA and PINARD, in view of Baber et al (U.S. Patent No. 6,195,696, hereinafter referred to as BABER), filed on October 1, 1998, and issued on February 27, 2001.

YOSHIOKA and PINARD teach the limitations of claim 22 for the reasons set forth above.

YOSHIOKA and PINARD differ from the claimed invention in that YOSHIOKA and PINARD fail to disclose a method for identifying a segment group of a viewer of the web page, and personalizing content of the assembled web page based upon the segment group of the viewer (claim 24).

15. Regarding **dependent claims 24 and 28**, YOSHIOKA, in combination with PINARD and BABER, discloses a method and an apparatus for identifying a segment group of a viewer of the web page *{See BABER, col. 3, lines 23-28, wherein this reads over “[c]ontent groups associated with the identified user groups are then identified . . . the units of content assigned to the user can be determined and a content page containing the assigned units of content is created”}*, and personalizing content of the assembled web page based upon the segment group of the viewer *{See BABER, col. 3, lines 15-19, wherein this reads over “[a] content page creation profile is provided for each defined user and is configured to control how content is displayed within a user's customized content page”}*.

The combination of inventions disclosed in YOSHIOKA, PINARD, and BABER would disclose an invention which would identify a segment group of a viewer of the web page, and personalize content of the assembled web page based upon the segment group of the viewer. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above invention suggested by YOSHIOKA and PINARD by combining it with the invention disclosed by BABER.

One of ordinary skill in the art would have been motivated to do this modification so that the system could display personalized pages with specific content to different groups of viewers or users.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Krishna et al (U.S. Patent No. 6,055,522) discloses an invention for producing dynamic content publications such as web pages.

Lowery et al (U.S. Patent No. 5,894,554) discloses an invention for creating and managing custom web sites.

Krishna et al (U.S. Patent No. 6,012,071) discloses an invention for defining regions within an electronic publication and providing instructions to a viewer for obtaining and formatting information to be displayed by the viewer within each region.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is (571) 272-2737. The examiner can normally be reached on M-F, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be

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obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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PRIMARY EXAMINER